

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 851 of 1985

AND

SPECIAL CIVIL APPLICATION No 853 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

AHMEDABAD MUNICIPAL CORPORATION

Versus

RAMDULARE SHIVRATAN

Appearance: In both the Sp.Civil Applications:

MR DV MEHTA for Petitioner

None present for Respondent

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/12/96

ORAL JUDGEMENT

Heard learned counsel for the petitioner and perused the record. As both the matters proceed on same facts and grounds they are being disposed of by this common order.

The petitioner has challenged in these Special Civil Applications the order of the Labour court made on

application of the respondents filed by them under sec.33-C(2) of the Industrial Disputes Act, 1947 for computation of overtime allowance, and the amount of allowance has been computed.

The counsel for the petitioner contended that under sec.33-C(2) of the I.D. Act, 1947, the Labour court has no jurisdiction to compute the amount of overtime.

I have already taken a view in many matters that under sec.33-C(2) of the I.D. Act, 1947, the Labour court has no jurisdiction to compute the claim of overtime allowance. This view has been taken by me relying on a Supreme Court decision.

In the result, both these Special Civil Applications are allowed and the order of the Labour court dated 20th November, 1984 made in Recovery Applications No.1152/79 and 1203/80 is quashed and set aside. Rule made absolute in both the cases with no order as to costs.

zgs/-